

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

HERBERT J. BANKEY,)	
)	No. CV-08-140-JPH
Plaintiff,)	
)	ORDER GRANTING STIPULATION
v.)	TO REMAND
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social)	
Security,)	
)	
Defendant.)	

The parties have filed a stipulation for remand of this case to the Commissioner for further administrative proceedings. (**Ct. Rec. 14**). The parties have filed a consent to proceed before a magistrate judge. (Ct. Rec. 4).

After considering the stipulation, **IT IS ORDERED** that the above-captioned case be remanded for a *de novo* hearing pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge will: (1) further develop the record with respect to plaintiff's mental impairments by obtaining an updated psychiatric examination with psychological testing; (2) further evaluate the medical source opinions and indicate the weight given to the opinions or provide legally sufficient reasons for

1 rejection; (3) review the medical records of Robert Baxley, M.D.;
2 (4) redetermine the materiality of plaintiff's DAA, in accordance
3 with 20 C.F.R. §§ 404.1535 and 1520a; (5) obtain vocational expert
4 testimony to aid in determining what jobs may exist given
5 plaintiff's age, education, vocational factors, and residual
6 functional capacity; and (6) take any other actions necessary to
7 develop the record.

8 Accordingly, this court reverses the Commissioner's decision
9 under sentence four of 42 U.S.C. § 405(g) with a remand of the
10 cause to the Commissioner for further proceedings. *See, Melkonyan*
11 *v. Sullivan*, 501 U.S. 89 (1991).

12 **IT IS FURTHER ORDERED:**

13 1. The parties' Stipulation for Remand (**Ct. Rec. 14**) is
14 **GRANTED**.

15 2. Judgment shall be entered for the **PLAINTIFF**.

16 3. An application for attorney fees may be filed by
17 separate motion.

18 4. The District Court Executive is directed to enter
19 this Order, forward copies to counsel, and **close** this file.

20 **IT IS SO ORDERED.**

21 **DATED** this 27th day of October, 2008.

22
23 s/James P. Hutton
JAMES P. HUTTON
24 UNITED STATES MAGISTRATE JUDGE
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